

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN R. KERN,

Plaintiff(s),

vs.

CLARK COUNTY SHERIFF, et al.,

Defendant(s).

Case No. 2:13-cv-00855-RFB-NJK

ORDER

(Docket No. 31)

Pending before the Court is Plaintiff's motion for assistance in serving Defendants. Docket No. 31. Plaintiff is proceeding in this action *pro se* and *in forma pauperis*. See Docket No. 9. On October 11, 2013, Plaintiff filed an amended civil rights complaint. Docket No. 14. On May 5, 2014, the Court reviewed Plaintiff's amended complaint under 42 U.S.C. § 1983. Docket No. 16. The Federal Rule of Civil Procedure 4(m) dismissal deadline for this case is August 24, 2015. See Docket No. 29. Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

On March 25, 2015, the U.S. Marshal filed a status of service, stating that Defendants Martinez and Rogers were not served because the USM-285 forms submitted by Plaintiff were defective. On April 27, 2015, Plaintiff filed unexecuted USM-285 forms. Docket No. 30. Again, the U.S. Marshal informed Plaintiff of the information that he must provide for process to be served. See Docket No. 30, at 2; Docket No. 20, at 4, 6. Specifically, Plaintiff must provide the address of

1 Defendant Martinez's employer and the first and last name or badge number for Defendant Rogers.
 2 *Id.* On July 22, 2015, Plaintiff filed the pending motion requesting the Court to assist Plaintiff in
 3 serving Defendants. Docket No. 31.

4 An incarcerated *pro se* plaintiff proceeding *in forma pauperis* is entitled to rely on the U.S.
 5 Marshal for service of the summons and complaint. *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir.
 6 1990). However, Plaintiff must provide the necessary information to help effectuate service. "The
 7 Court is not required to, and in fact cannot, act as an investigative body to determine correct
 8 addresses for defendants." *Antonetti v. Las Vegas*, 2015 WL 247806, at *3 (D. Nev. Jan. 16, 2015).
 9 However, if there is sufficient information to identify the Defendant to be served, the Court can
 10 direct the Las Vegas Metropolitan Police Department to facilitate the U.S. Marshal's service of
 11 process. *See id.*, at *3. Therefore, the Court directs the Las Vegas Metropolitan Police Department
 12 to file, under seal, the last-known addresses of Defendants Martinez and Rogers. If the Las Vegas
 13 Metropolitan Police Department does not have the last-known addresses of Defendants Martinez and
 14 Rogers, and Plaintiff wishes to have service again attempted, Plaintiff shall file a motion shall with
 15 the Court specifying a more detailed name and/or address for said defendant, or whether some other
 16 manner of service should be attempted.

17 Accordingly, for good cause shown,

18 IT IS ORDERED:

- 19 1. Plaintiff's motion for assistance in serving Defendants (Docket No. 31) is hereby
 20 **GRANTED.**
- 21 2. The Clerk of the Court shall serve a copy of this order and a copy of the amended
 22 complaint (Docket No. 14) on the Las Vegas Metropolitan Police Department, c/o
 23 General Counsel, 400 S. Martin L. King Boulevard, Las Vegas, NV 89106. The Las
 24 Vegas Metropolitan Police Department shall file a notice, no later than **August 13,**
 25 **2015**, advising the Court and Plaintiff of: (1) the names of the defendants for whom
 26 it accepts service; (2) the names of the defendants for whom it does not accept
 27 service; and (3) the names of the defendants for whom it is not accepting service but
 28 for whom it is filing last-known address information under seal.

3. If the Las Vegas Metropolitan Police Department does not have the last-known addresses of either Defendant Martinez or Rogers, and Plaintiff wishes to have service attempted on either Defendant, a motion shall be filed with the Court specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
4. No later than three days after the receiving Defendants' last-known addresses, the Clerk of the Court shall issue summons on Defendants and deliver the summons to the USMS.
5. Within thirty days after receiving the summons for Defendants from the Clerk of the Court, the USMS shall attempt to serve the summons and amended complaint on Defendants. The USMS shall provide Plaintiff with a Form USM-285 (without listing Defendants' addresses) indicating whether service was effected.
6. Plaintiff shall file the Forms USM-285 within ten days after receiving them from the USMS.
7. The Court hereby **EXTENDS** the time for Plaintiff to serve Defendants pursuant to Federal Rule of Civil Procedure 4(m) by 60 days, to **October 23, 2015**.

DATED: July 30, 2015



NANCY J. KOPPE
United States Magistrate Judge